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No.

In The

Supreme Court of the United States

October Term, 1996

ELLEN P. FULFREE,

Petitioner,

against

ROBERT MANCHESTER and
MANCHESTER LAW OFFICES,

Respondent,

Supplemental Appendix for a Writ of Certiorari to the United States Court of Appeals for the Second Circuit

SUPPLEMENTAL APPENDIX FOR WRIT OF CERTIORARI

MORTON N. WEKSTEIN
Attorney for Petitioner
612 E. Grassy Sprain Road
Yonkers, New York 10710
(914) 961-7500

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UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

SUMMARY ORDER

THIS SUMMARY ORDER WILL NOT BE PUBLISHED IN THE FEDERAL REPORTER AND MAY NOT BE CITED AS PRECEDENTIAL AUTHORITY TO THIS OR ANY OTHER COURT, BUT MAY BE CALLED TO THE ATTENTION OF THIS OR ANY OTHER COURT IN A SUBSEQUENT STAGE OF THIS CASE, IN A RELATED CASE, OR IN ANY CASE FOR PURPOSES OF COLLATERAL ESTOPPEL OF RES JUDICATA.

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the United States Courthouse, Foley Square, in the City of New York, on the 4th day of October one thousand nine hundred and ninety-six.

Present: HONORABLE AMALYA L. KEARSE,
HONORABLE PIERRE N. LEVAL,
HONORABLE WILLIAM A. NORRIS,*
Circuit Judges.

ELLEN P. FULFREE,

Plaintiff-Appellant,

- v. -

No. 96-7095

ROBERT MANCHESTER and MANCHESTER LAW OFFICES,

Defendant-Appellees.

Appearing for Appellant: Richard W. Fulfree, Yonkers, N.Y.
Appearing for Appellees: Martin B. Adams, N.Y., N.Y.

Appeal from the United States District Court for the Southern District of New York.

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* Honorable William A. Norris, of the United States Court of Appeals for the Ninth Circuit, sitting by designation.

Fulfree v. Manchester, No. 96-7095

This cause came on to be heard on the transcript of record from the United States District Court for the Southern District of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, it is now hereby ordered, adjudged, and decreed that the appeal is dismissed for lack of appellate jurisdiction.

Plaintiff Ellen P. Fulfree appeals from an order entered in the United States District Court for the Southern District of New York, Denny Chin, Judge, denying her motion to remand this action to the state court from which it was removed. We dismiss the appeal for lack of appellate jurisdiction. An order of the district court denying a motion to remand an action to state court is an interlocutory order that is not immediately appealable pursuant to 28 U.S.C. § 1291. See, e.g., Wilkins v. American Export-Isbrandtsen Lines, Inc., 401 F.2d 151 (2d Cir. 1968). We reject plaintiff's argument that, simply because 28 U.S.C. § 1447 provides that certain orders granting remands are not appealable, an order denying a remand is appealable immediately. No case has so held, and, in light of the statutory structure governing appeals, see 28 U.S.C. §§ 1291, 1292, and the strong federal policy against piecemeal appeals, see generally Lauro Lines S.R.L. v. Chasser, 490 U.S. 495 (1989); Curtiss-Wright Corp. v. General Electric Co., 446 U.S. 1, 8 (1980); that is not a reasonable interpretation of the statute. The cases on which plaintiff relies in support of her jurisdictional arguments involved either final judgments, which are made appealable by § 1291, or orders granting or denying preliminary injunctions, which are made immediately appealable by §1292(a). No final judgment has been entered in the present case, and no motion for an injunction is at issue. There being no statutory basis for the present appeal, we lack jurisdiction to hear the appeal.

We have considered all of Fulfree's arguments in support of immediate appealability and have found them to be without merit. The appeal is dismissed for lack of jurisdiction.

AMALYA L. KEARSE, U.S.C.J.

PIERRE N. LEVAL, U.S.C.J.

WILLIAM A. NORRIS, U.S.C.J.